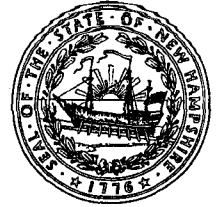


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 05-046

November 28, 2005

Dino Zampini
Borough Road LLC
Po Box 763
Claremont, NH 03743

RE: DES Wetlands File #2005-01730 Borough Rd, Charlestown

Dear Mr. Zampini:

On November 23, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Charlestown Tax Map 17 as Lot 13 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. The culvert and driveway access were installed. Conditions 2, 6, 8, 9 and 10 of the Permit by Notification Project (PBN) # 1 were not adhered to.
2. Erosion controls were not properly installed and maintained on the road crossing of the wetland, as depicted on the approved plan Wetland Permit by Notification Site Plan by Connecticut Valley Environmental Services, Inc. and dated July 9, 2005 and as required by the Permit by Notification Project # 1 (PBN), Conditions #2 and #6.
3. As a result of inadequate erosion controls, approximately 800 square feet of sediment had eroded into the wetland, both upstream and downstream of the culvert.
4. Erosion from the unstable access road and skidder ruts near the location of the proposed house site was observed. Approximately 300 square feet of sediment was deposited in the adjacent wetland and siltation of the associated stream was observed. Condition # 8 of the PBN requires that the work shall not cause violations of surface water quality.
5. Proper headwalls were not constructed on the culvert crossing. Condition # 9 of the PBN requires that proper headwalls be constructed within 7 calendar days of culvert installation.
6. The culvert outlet was not rip rapped, as required in Condition #10 of the PBN.

In response, you are requested to take the following actions:

1. **Immediately** install erosion control along the road side on both the upstream and downstream sides of the road. The erosion control must be maintained until final stabilization of the site has occurred;
2. **Immediately** stabilize the skidder ruts and access road leading to the house site and install erosion controls along the edge of the downslope wetland and stream;
3. **Immediately** remove, by hand tools only, the sediment from the wetland upstream and downstream of the PBN culvert crossing;
4. Mulch any bare or disturbed soils with straw immediately following the sediment removal;

5. Comply with Conditions 9 and 10 of the PBN by immediately installing a proper headwall and repair the outlet of the culvert; and
6. **Within 7 days of receipt of this letter**, provide photo documentation to DES documenting compliance with these requirements.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Collis G. Adams".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8431 6489

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Charlestown Conservation Commission
Charlestown Board of Selectmen
USACOE